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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,209	02/13/2002	Richard Nils Dawson	839-1170	6251

7590 12/31/2003

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EXAMINER

PHAN, THIEM D

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

5

<b>Office Action Summary</b>	Application No. 10/073,209	Applicant(s) DAWSON ET AL.	
	Examiner Tim Phan	Art Unit 3729	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-19 is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All   b) ☐ Some \*   c) ☐ None of:  
     1. ☐ Certified copies of the priority documents have been received.  
     2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                             | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3&amp;6</u> | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. The amendment filed in Paper No. 7 (filed 9/05/03) has been fully considered and made of record.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by C. T. Hibbard (US 1,685,054) hereinafter '054.

The '054 teaches the core construction of a dynamo-electric machine (Cf. page 1, lines 2 and 3) comprising:

- providing a stator frame with a frame plate (Cf. Fig. 1, element 1),
- connecting many key bars (Cf. Fig. 2, element 5) with dovetail to stator frame,
- providing a stator core (Cf. page 2, lines 34 & 35) with a package of stator section laminations (Cf. Fig. 1, element 2; page 1, lines 25 & 26) to be coupled to stator frame through a dovetail slot (Cf. Fig. 2, element 5),

- engaging the dovetails into dovetail slots (Cf. Fig. 2, element 5) such that the keybar-dovetails contact respective laminations (Cf. page 2, lines 54-57) with respective contact points locations (Cf. Fig. 2, elements 5 & 6) such that the force load is evenly distributed among the contact points.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the '054.

**As applied to claims 2-5,** the '054 teaches the claimed invention except for the minimizing of key-bar stress and controlling the stiffness of key-bar contact points. It would have been obvious to one of ordinary skill in the art at the time the invention was made to minimize the key-bar stress and control the stiffness of key-bar contact points since it is known in the art that core laminations secured with dovetail keys at various thickness (Cf. Fig. 1, element 2) are also clamped together (Cf. Fig. 1, element 7), minimizing key-bar contact points' stress.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the '054 in view of Forbes et al (US 4,712,035) hereinafter '035.

The '054 teaches the core construction of a dynamo-electric machine which reads on all of applicants' claimed limitations.

The '035 teaches the wedging means or wedge (Cf. Fig. 8, element 81; column 8, lines 23-29) to be inserted into dovetail slot to prevent displacement between engaging elements.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the '054 with the '035 and to modify the method of '054 by applying the wedge as taught by '035 in order to prevent displacement between engaging elements.

#### *Allowable Claims*

7. Claims 15-19 are allowed.

#### *Response to Arguments*

8. Applicants' arguments filed 9/05/03 have been fully considered but these remarks about the original claims are not persuasive for the following reasons:

Applicants recite *inter alia* "... a plurality of said dovetails contact respective laminations to define respective contact points ..." (Cf. Claim 1, lines 7-9). The Patent Office's position, as stated in the preceding Action, was and continues to be that since the '054 teaches that the *core laminations are secured to the stator frame by suitable means such as dovetail keys at respective contact points* (Cf. Fig. 2, elements 5 & 6; page 2, lines 54+).

It appears that Applicants fail to recognize the scope of the claims when judged in view of the '054. (Cf. *In re Geuns*, 26 USPQ 2<sup>nd</sup> 1057 (Fed. Cir. 1993)).

9. With the remainder of the claims rejected under 35 USC 103, they stand rejected as carefully articulated in the previous and current Office Action and in Responses to Remarks in paragraph 8 above.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3729

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Phan whose telephone number is 703-605-0707. The examiner can normally be reached on Monday - Friday, 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter VO can be reached on 703-308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



Tim Phan  
Examiner  
Art Unit 3729



CARL J. ARBES  
PRIMARY EXAMINER

tp  
December 30, 2003